

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ESPOSITO SECURITIES, LLC.,

Plaintiff,

v.

ADVISORSHARES INVESTMENTS,
LLC,

Defendant.

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Civil Action No. 3:12-CV-4926-N

ORDER REQUIRING STATUS AND SCHEDULING CONFERENCE

Pursuant to the Federal Rules of Civil Procedure, the Local Rules of this Court, and the Civil Justice Expense and Delay Reduction Plan for the Northern District of Texas, the Court issues this Order to facilitate early consideration of settlement and entry of a scheduling order under Rule 16(b).

1. The parties are directed to confer within 21 days of the date of this Order regarding the following matters, and report to the Court within 14 days after the conference the parties' position:

- a. a brief statement of the nature of the case and the contentions of the parties;
- b. the status of settlement discussions (excluding any discussion of amounts);
- c. possible joinder of additional parties;
- d. any anticipated challenges to jurisdiction or venue;
- e. date by which the case will be ready for trial and estimated length of trial;
- f. the desirability of ADR, and the timing for ADR; and

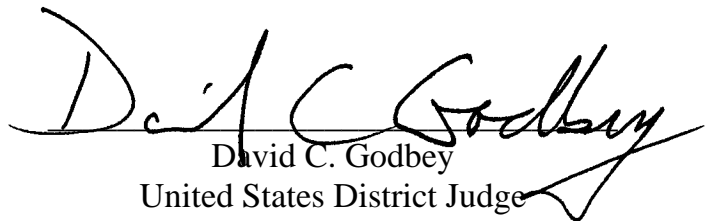
g. any objections to disclosure under Rule 26(a)(1).

2. The parties are directed to hold the conference required by Rule 26(f) within 14 days of the date of this Order and report to the Court as required by that Rule.

3. The parties' Rule 26(f) report does not need to include suggested discovery deadlines. The Court's scheduling order will include default scheduling deadlines. The scheduling order provides that the parties are free to alter those deadlines by written agreement, to conform to any agreed discovery plan under Rule 26(f) or otherwise, without the necessity of motion or order.

4. The reports required by paragraphs 1 and 2 of this Order should be contained in a single document. Upon receipt of that report, the Court will enter a scheduling order without the necessity of a scheduling conference with the Court, unless otherwise ordered. Requests for extension of the deadlines contained in this Order are unlikely to be granted due to the time constraints of Rule 16(b).

Signed December 31, 2012.


David C. Godbey
United States District Judge